1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 NORTHERN DISTRICT OF CALIFORNIA 10 UNITED STATES OF AMERICA, 11 12 CR 07-30 SBA Plaintiff, 13 STIPULATION AND ORDER TO CONTINUE STATUS v. 14 CONFERENCE FERNANDO AGUILAR and 15 GUSTAVO AGUILAR, Date: February 26, 2008 Time: 9:00 a.m. 16 Defendants. 17 THE PARTIES HEREBY STIPULATE AND AGREE that the hearing 18 19 now set for the date and time indicated above may be continued 20 to March 25, 2008, at 9:00 a.m. It is also stipulated that the period from February 26, 21 22 2008, to March 25, 2008, shall be excluded from the calculation of time in which the trial of the above captioned matter must 23 24 commence pursuant to the Speedy Trial Act, 18 U.S.C. section The parties stipulate that the time is excludable from 25 the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance.

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The continuance is predicated on the unavailability of lead counsel for Fernando Aquilar, Mr. Serra, as he is still involved in an ongoing homicide trial which began on January 14, 2008, in the case of People v. Monge, Case # SF103120A, pending in the county of San Joaquin. Because substantive motions relevant to trial are pending, and trial dates will likely be set, lead counsel is required to be present. This trial will be concluded and Mr. Serra will be available on the requested date of March 25, 2008.

This continuance will permit continuity of counsel and allow the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. sections 3161(h)(8)(A) and (B)(iv).

Dated: February 22, 2008

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/s/ KIMBERLY BRIGGS KIMBERLY BRIGGS Assistant U.S. Attorney

/s/ SHARI L. WHITE SHARI L. WHITE Attorney for GUSTAVO AGUILAR

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J. TONY SERRA J. TONY SERRA

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Attorney for FERNANDO AGUILAR

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Based on the foregoing reasons, the Court finds the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court, however, continues the status conference to

April 1, 2008, at 11:00 a.m.

26 IT IS SO ORDERED.

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Dated:2/22/08

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